

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION OPIATE  
LITIGATION

This document relates to:

*The Muscogee (Creek) Nation v. Purdue Pharma  
L.P., et al.*

Case No. 18-op-45459

*The Blackfeet Tribe of the Blackfeet Indian  
Reservation v. AmerisourceBergen Drug  
Corp., et al.*

Case No. 18-op-45749

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**MANUFACTURER DEFENDANTS' JOINT MOTION TO  
DISMISS THE TRIBES' FIRST AMENDED COMPLAINTS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the Manufacturer Defendants<sup>1</sup> move this Court to dismiss all claims asserted against them in Plaintiffs' First Amended Complaints for failure to state a claim upon which relief can be granted. This Motion

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<sup>1</sup> "Manufacturer Defendants" refers to Purdue Pharma LP, Purdue Pharma Inc., and The Purdue Frederick Company Inc. ("Purdue"); Allergan Finance, LLC f/k/a Actavis, Inc. f/k/a Watson Pharmaceuticals, Inc. ("Allergan/Actavis"); Watson Laboratories, Inc.; Actavis Pharma, Inc.; Actavis LLC; Teva Pharmaceuticals, USA, Inc. and Cephalon, Inc. ("Teva"); Johnson & Johnson ("J&J") and Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. ("Janssen"); Endo Health Solutions Inc., Endo Pharmaceuticals Inc., Par Pharmaceutical, Inc., and Par Pharmaceutical Companies, Inc. ("Endo"); Insys Therapeutics, Inc. ("Insys"); and Mallinckrodt LLC and SpecGX LLC ("Mallinckrodt"). Not all Manufacturers, however, are named in both Tribe cases: the Blackfeet First Amended Complaint ("Blackfeet 1AC") names them all, while the Muscogee First Amended Complaint ("Muscogee 1AC") names only certain of the Purdue, Allergan/Actavis, Endo, and Teva entities. Teva Pharmaceutical Industries Ltd., Allergan plc, and Mallinckrodt plc do not join this motion because they are an Israeli corporation, Irish holding company, and Irish company, respectively, that have not been served and over which no personal jurisdiction exists.

will be supported by the pleadings, the record, a Memorandum of Law in Support of the Manufacturer Defendants' Joint Motion to Dismiss Plaintiffs' Complaint, which is filed contemporaneously herewith and incorporated herein by reference, oral argument, and any other evidence requested or permitted by the Court.

**WHEREFORE**, the Manufacturer Defendants respectfully request that the Court grant their Motion in its entirety and dismiss all of Plaintiff's claims against them with prejudice.

Dated: August 31, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2018, a copy of the foregoing **Manufacturer Defendants' Joint Motion to Dismiss the Tribes' First Amended Complaints** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Dated: August 31, 2018

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